

## Chapter 1441. Application Procedures, Permits and Certificates.

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### § 1441-01. Common Procedures for Review of Applications.

Applications submitted pursuant to the Cincinnati Zoning Code, with the exception of petitions to amend the Cincinnati Zoning Code or Zoning Map, are processed in accord with the following procedures:

- (a) **Determination of Completeness of Application.** An application is submitted to the Director of Buildings and Inspections. The director has the duty to determine whether the application is complete within five working days of receipt of an application. If the director determines that the application is not complete, the director has the duty to notify the applicant in writing, specifying the deficiencies of the application, including any additional information that must be supplied and that no further action will be taken by the city on the application until the deficiencies are corrected.
- (b) **Remedy of Deficiencies.** If the applicant fails to correct the specified deficiencies within 30 working days of the notification of deficiency, the application for development approval will be deemed withdrawn and will be returned to the applicant. The director, on written request, may for good cause shown and without any notice or hearing, grant extensions of the 30 working day time limit for remedying of deficiencies.
- (c) **Abutting Property Owners.** If notice to abutting property owners is required, the director will provide the names and addresses of all abutting property owners as they appear in the official records of the Auditor of Hamilton County within a 100-foot radius of the subject property.
- (d) **Application Forwarded to Decision-Making Body.** The director has the duty to forward any application submitted for decision by another decision-maker to that decision-making body within three working days after the director determines that the application is complete.

### **§ 1441-03. Director of Buildings and Inspections Procedures.**

Applications submitted pursuant to the Cincinnati Zoning Code, submitted to the Director of Buildings and Inspections for a decision by the director are processed in accord with the following procedures:

- (a) ***Applications Decided by the Director of Buildings and Inspections.*** Every application submitted to the director for a decision by the director must be on forms specified by the director and must be accompanied by the information specified on the application form or the director's rules and regulations and the required filing fee set forth in the fee schedule adopted pursuant to this chapter. Applications are processed in accordance with the common procedures set forth in this chapter.
- (b) ***Decision by Director.*** The director has the duty to render a decision to approve or deny an application no later than 30 days after determination of completeness of the application, unless the applicant consents in writing to additional time. The director may require, at the applicant's expense, additional studies, acquire additional data, or provide the applicant an opportunity to submit plan revisions.

### **§ 1441-05. Covenants**

The Director of Buildings and Inspections has the following duties pertaining to covenants:

- (a) ***Acceptance of Covenants.*** To obtain covenants from the owners of property whenever the Cincinnati Zoning Code requires the owner to file a covenant as a condition for the issuance of a permit or Certificate of Occupancy. Covenants must be in a form acceptable to the City Solicitor.
- (b) ***Recording.*** To file covenants with the Hamilton County Recorder, the owner must pay for the costs of recording.
- (c) ***Release of Covenants.*** To recommend to the City Manager the release of any covenant in favor of the city granted pursuant to the Cincinnati Zoning Code. The release must be in a form of written instrument acceptable to and approved by the City Solicitor. The Director of Buildings and Inspections may recommend the termination of a covenant if and only if the conditions that gave rise to the covenant being required no longer apply.

### **§ 1441-07. Certificate of Compliance.**

A person may apply to the Director of Buildings and Inspections, on forms prepared by the Director, for a Certificate of Compliance for the zoning of any building or premises.

The applicant must furnish any additional information the director may require to determine compliance with the Cincinnati Zoning Code. The director has the duty to issue a Certificate of Compliance if and only if the intended use or occupancy conforms to the Cincinnati Zoning Code.

The director may issue a temporary Certificate of Compliance for a part of a building or premises under conditions as necessary to assure the public health and safety.

## **§ 1441-09. Building Permits.**

A building, structure, land or any part thereof, may not be constructed until a building permit has been issued by the Director of Buildings and Inspections. The director may not issue a building permit for any construction unless the plats, plans, specifications and intended use conform to the Cincinnati Zoning Code. The lot or parcel and the location of the building or buildings must be fixed by survey before construction is started.

- (a) ***Forms, Information and Specifications Required.*** An application for a building permit must be made to the director on forms provided for that purpose. The director must be furnished with all plans and documents as may be required to determine compliance with the provisions of this code. Applications for building permits must also be accompanied by those items the director deems pertinent and such additional information as the director may require to determine compliance with the provisions of this code, including, but not limited to, plans, drawn to an architectural or engineering scale, showing the following:
  - (3) The exact shape and dimensions of the lot or parcel to be built on based on an actual survey;
  - (4) The exact size and location of existing structures;
  - (5) The lines within which the proposed structure is to be erected or altered;
  - (6) The existing and intended use of each building or part thereof;
  - (7) The number of dwelling units the building is designed to accommodate; and
  - (8) Such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the Cincinnati Zoning Code.
- (b) ***Access to a Use.*** A building permit or Certificate of Occupancy and Use may not be issued for any building or use that would require access across a zoning district prohibiting the use. For the purposes of this Zoning Code, access to a use is deemed the use.

***Time Limits for Zoning Approvals.*** Issuance of a building permit vests the applicant the right to construct the work for which the permit was issued in accordance with the provisions of the Cincinnati Zoning Code in effect at the time of application. That right expires with the expiration of the building permit as provided in the Cincinnati Building Code, Title XI of the Cincinnati Municipal Code.

## **§ 1441-11.                      Certificates of Occupancy and Use.**

The Director of Buildings and Inspections has the duty to determine compliance of proposed work with the Cincinnati Zoning Code through the issuance, issuance with conditions or denial of a Certificate of Occupancy and Use.

- (a) ***Use of Buildings or Land.*** A building, structure, land, or any part thereof, may not be occupied or used and a building hereafter located, constructed, reconstructed, enlarged or structurally altered may not be occupied or used in whole or in part for any purpose until the director issues a Certificate of Occupancy and Use, on finding that the building and use comply with the provisions of this code.
  - (1) A Certificate of Occupancy and Use may not be issued until construction is completed and the premises inspected and certified to be in conformity with the plans and specifications on which the building permit and other necessary permits were granted.
  - (2) A change or conversion of use may not be made in any land, building or part thereof, now or hereafter located, constructed, reconstructed, enlarged or structurally altered, except for single-family dwelling purposes, without a Certificate of Occupancy and Use issued by the director.
- (b) ***Application.*** An application for a Certificate of Occupancy and Use must be made in writing and signed by the applicant attesting to the truth and exactness of all information supplied on the application form
- (c) ***Approval of Certificate of Occupancy and Use.*** The director may issue Certificates of Occupancy and Use only on finding that a use conforms with the provisions of this code, any written decision from the Zoning Hearing Examiner or Zoning Board of Appeals deciding an appeal, conditional use, variance or special exception, and any final judgment of a court of competent jurisdiction arising out of the application.
- (d) ***Conditions of Approval.*** Within 20 working days after the receipt of an application, the director has the duty to approve, approve with conditions or disapprove the application in conformance with the provisions of this code.

- (e) ***Record of Certificates of Occupancy and Use.*** The director has the duty to maintain a record of all Certificates of Occupancy and Use and to furnish copies on request and on payment of all applicable fees to any person.

**§ 1441-13. Temporary Parking Uses in Urban Renewal Areas.**

In the case of properties located in an urban renewal area as approved by the Council of the City of Cincinnati, or in the case of properties designated to be used for public improvement programs and where resolutions of intent to acquire the property have been approved by Council, or where mapped street line plats have been adopted by the Council, the Director of Buildings and Inspections may grant temporary and conditional permits for parking lots to terminate at a date specified in the permit, not to exceed two years from the date of such permit, provided that such parking lots are uses clearly interim to the future re-use plans of the area involved. On request, the director may renew these permits.

**§ 1441-15. Certificates of Occupancy for Seasonal Events.**

The Director of Buildings and Inspections may grant temporary and conditional permits for the use of buildings and land for seasonal events to terminate at a date specified in the permit, not to exceed 30 days from the date of such permit.

**§ 1441-17. Effect of Administrative Interpretations.**

The Director of Buildings and Inspections may make administrative interpretations finding a particular use to be permitted as-of-right or as a conditional use. Such an interpretation does not authorize the establishment of such use nor the development, construction, reconstruction, alteration or moving of any building or structure. It merely authorizes the preparation, filing and processing of applications for any approvals and permits that may be required by this code.

An administrative interpretation by the director finding proposed work to be permitted as-of-right or permitted as a conditional use in a particular district only authorizes the proposed work for which the interpretation is issued. Such interpretation does not authorize any other work for which a separate use interpretation has not been issued, even if the other work is similar in character to the work for which the interpretation was issued.